

REMARKS

Applicants have amended claims 1-6, 8, 9, 12, 18, and 21. No new matter has been added by way of these amendments. In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

The Office has rejected claims 1-8 under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. In particular, with regard to claim 1, the Office asserts that the claimed “system” appears to be a “computer program per se”, without hardware, and since the computer program is not embodied in a computer readable medium, the claim is not statutory, and cites to M.P.E.P. §2106. Accordingly, Applicants have amended claim 1 as set forth above to recite a document layout processing device which are now clearly apparatus claims. In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw this rejection.

The Office has rejected claims 1, 2, 4-7, 9-11, 13-16, 18-20, and 22-25 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,438,657 to Nakatani (Nakatani), claims 3, 12, and 21 under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakatani, in view of U.S. Patent No. 6,778,703 to Zlotnick (Zlotnick), and claims 8, 17, and 26 under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakatani, in view of U.S. Patent No. 6,519,617 to Wanderski et al. (Wanderski).

Nakatani, Zlotnick, and Wanderski, taken alone or in combination, do not disclose or suggest, “ a determination system in the document layout processing device configured to identify a particular stored document in the plurality of stored documents, with the portion which is closest to the portion of the original document based on the comparing; and a mutation system in the document layout processing device configured to apply one or more mutators, to the portion of the original document which were applied to mutate the portion of the identified stored document, wherein the one or more mutators include a font type adjustor adapted to electronically adjust a font of the portion of the original document, at least one color adjustor adapted to electronically adjust a color of the portion of the original document, and at least one of a line spacing adjustor and at least one section location adjustor in the portion of the original document, adapted to electronically adjust a line spacing and a section location, respectively, of the portion of the original document,” as recited in claim 1, or “identifying a particular stored document in the plurality of stored documents, with the

portion which is closest to the portion of the original document based on the comparing; and applying one or more mutators to the portion of the original document which were applied to mutate the portion of the identified stored document, wherein the one or more mutators include a font type adjustor, at least one color adjustor and at least one of a line spacing adjustor and at least one section location adjustor in the portion of the original document,” as recited in claims 9 and 18.

Contrary to the Office assertions, Nakatani in col. 2, lines 19-37, does not teach or suggest these limitations. For the Office’s convenience, col. 2, lines 19-37 in Nakatani is set forth below:

According to the present invention, since the apparatus includes the juxtaposition information analyzing means for analyzing juxtaposition information of document data stored in the document data storage means, and the juxtaposition information learning means for learning the juxtaposition information analyzed by the juxtaposition information analyzing means, and outputting the resultant data as learning data to be used to **create** another document, learned juxtaposition information can be used when a document is to be **created**, thus easily **creating** a document having the same layout as that of an original document. (Emphasis added)

Accordingly, Nakatani clearly discloses creating a new document having similar juxtaposition and layout information as an original document. Further, it appears that Nakatani, in addition to creating the new document, is at most applying juxtaposition information from the first document to convert the juxtaposition information of the second document. Both creating a new document or applying a format conversion to another document are contrastingly different from “a determination component configured to **identify a particular stored document**, amongst the plurality of stored documents, with the portion which is **closest** to the portion of the original document based on the comparing,” as recited in claim 1, or “**identifying a particular stored document**, amongst the plurality of stored documents, with the portion which is **closest** to the portion of the original document based on the comparing,” as recited in claims 9 and 18. In fact, Nakatani is simply silent with respect to any such identifying a particular stored document from a plurality of stored documents based on the specific conditions of closeness of individual portions as recited in claims 1, 9, and 18. Similarly, Zlotnick and Wanderski fail to disclose or suggest these limitations.

Further, the Office asserts that Nakatani in col. 18, lines 4-55 discloses that the section/layout adjustment is implemented in the portion of the original document, and uses this portion of Nakatani to reject the limitation of “a mutation system in the document layout

processing device configured to apply one or more mutators, to the portion of the original document which were applied to mutate the portion of the identified stored document . . .” recited in claim 1, and provides similar reasoning for claims 9 and 18. Again, contrary to the Office’s assertions, in the cited portions, Nakatani discloses (col. 18, lines 15-55, emphasis added):

If YES in step S65, a corresponding portion of the interim form document is output, as a portion of a final document (output form document 1) obtained upon document format conversion, to the document storage area 28 in step S66.

As described above, in the document layout conversion processing, the interim form document created in the work area 31 by the document arrangement conversion processing is output to the document storage area 28 in accordance with the learned document layout information table (table 3) in the document layout information learning area 29.

The interim form document 1 will be described in more detail below. The start block 3-1 is extracted from the document layout information table (table 3), and the document structure analysis block 5-1, in the document structure analysis table (table 5), which has the same constituent element classification information "date" is searched out. A corresponding portion of the interim form document 1 in the work area 31 is output to the document storage area 28. Since "headline" of the document layout information block 3-2 is placed before "sender" in the document layout information table (table 3), a document portion, of the interim form document 1, corresponding to "headline" is output to the document storage area 28. With this operation, the layout positions of "headline" and "sender" of the input form document 2 are switched with respect to each other from those of the output form document 1. In this manner, the entire portion of the interim form document 1 is layout-converted into the output form document 1. Finally, the interim form document 1 having the contents of the input form document 2 is rearranged in accordance with the layout information of the input form document 1.

Further, continuing in col. 19, lines 3-8, Nakatani notes (emphasis added):

Therefore, if the learned information is displayed or printed by the CRT 18 or the printer 22 when another document is to be created, a document having the same layout as that of the original document can be easily created by referring to the displayed or printed arrangement information.

Therefore, it is clear that in these cited portions, and elsewhere too, Nakatani is disclosing creating an interim form document which can be further used to create another document having the same layout as the original document. That is, Nakatani is leaving the original document untouched and unmodified, which is opposite of what the Applicants are

claiming: “a mutation system in the document layout processing device configured to apply one or more mutators, to the portion of the original document . . .,” as recited in claim 1, or “applying one or more mutators to the portion of the original document . . .,” as recited in claims 9 and 18. Similarly, Zlotnick and Wanderski fail to disclose or suggest these limitations too.

An identification of a particular stored document as claimed by the Applicants, is advantageous, for example, in applying to the original document, case-based mutations combined with genetic algorithms for dynamic document layout thereby resulting in a more efficient and reliable automated scheme for dynamic document layout (*see*, for example, paragraph [0006] of the original filed specification).

Accordingly, in view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw the rejection of claims 1, 9, and 18. Since claims 2-8 depend from and contain the limitations of claim 1, claims 10-17 depend from and contain the limitations of claim 9, and claims 19-26 depend from and contain the limitations of claim 8, they are distinguishable over the cited references and are patentable in the same manner as claims 1, 9, and 18.

In view of all of the foregoing, Applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Date: July 2, 2009

/Gunnar G. Leinberg/
Gunnar G. Leinberg
Registration No. 35,584

NIXON PEABODY LLP
1100 Clinton Square
Rochester, New York 14604
Telephone: (585) 263-1014
Facsimile: (585) 263-1600